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10/580,332	11/08/2006	Alain Molinie	0730-1014	5670
466	7590	02/17/2011	EXAMINER	
YOUNG & THOMPSON			SURVILLO, OLEG	
209 Madison Street				
Suite 500			ART UNIT	
Alexandria, VA 22314			PAPER NUMBER	
			2442	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DocketingDept@young-thompson.com

Office Action Summary	Application No.	Applicant(s)	
	10/580,332	MOLINIE ET AL.	
	Examiner	Art Unit	
	OLEG SURVILLO	2442	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-42, 57-64 and 66-74 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-42, 57-64 and 66-74 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 May 2006 and 03 December 2010 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-943) | Paper No.(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Claims 29-42, 57-64, and 66-74 remain pending in the application. Claims 29-42 and 57-64 are currently amended. Claims 1-28, 43-56, and 65 have been canceled. Claims 66-74 are new.

Response to Arguments

2. With regard to the applicant's remarks dated December 3, 2010:

Regarding objection to the specification, applicant's amendment has been fully considered and is sufficient. Therefore, the objection has been withdrawn.

Regarding objection to the drawings, applicant's amendment has been fully considered and is sufficient. Therefore, the objection has been withdrawn.

Regarding the rejection of claims 40-56, and 65 under 35 U.S.C. 112, second paragraph, applicant's amendments and arguments have been fully considered and are sufficient. Therefore, the rejection has been withdrawn.

Regarding the rejection of claims 29-37 and 40-43 under 35 U.S.C. 102(e), applicant's arguments have been fully considered but they are not persuasive. Therefore, the rejection is maintained. As to claim 29, applicants argue that *"Baudino does not describe, teach or suggest to provide a virtual server (aggregated lists) indexing each medias available on a network that a device is authorized and able to give access to the content"*. See page 14 of Remarks. In response to this argument, it is noted that claim 29 does not appear to "provide a virtual server" or "provide aggregated

lists indexing each medias". Therefore, applicant's argument is directed to unclaimed features of the invention. Applicants failed to provide any other arguments except for generally alleging that Baudino does not anticipate claim 29 as amended. Examiner disagrees and maintains that Baudino anticipates claim 29 as presented in the reasons for rejection in the next section of the Office action.

As to any arguments not specifically addressed, they are the same as those discussed above.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 29-42, 57-64, and 66-74 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 29, in the step of searching, limitation of "at least said devices" at line 1 is ambiguous because it is unclear which devices of preamble are referred to as "said devices"; limitation of "one all media" at line 2 is ambiguous because it is unclear whether searching is done for "one media" or for "all media". In the step of transmitting, limitation "each other device" at line 1 is ambiguous because it appears to suggest having multiple other devices wherein the preamble recites "at least one other device". In the situations where there is a single "other device", recitation of "each other device" is deemed inappropriate. In the step of aggregating, limitation of "aggregating, at least

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one list of media listed in one transmitted list” is ambiguous because it is unclear what “at least one list” is being aggregated with and how can “at least one list” be “listed in one transmitted list”. In other words, listing at least one list in one transmitted list appears to make no sense. Appropriate correction or explanation is required.

Dependent claims are rejected under the same rationale as being dependent from and incorporating all the limitations of rejected claim 29.

As to claim 33, recitation of “each media” is ambiguous because “media” is plural. It is unclear why applicants amended the claim to change “medium” to “media”. Appropriate explanation of reversion of changes is requested.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 29-37, 40, 42, 57-64, and 66-74 are rejected under 35 U.S.C. 102(e) as being anticipated by Baudino et al. (US 2006/0123081 A1).

As to claim 29, Baudino teaches a process of data exchange between a first device and at least one other device linked to a network [devices 52 and 54] (abstract), that comprises:

a step of searching, by each of at least said devices [each device collecting data over time independently from each other] (par. [0026]), for one all media having media type representing at least one type of physical entity [user's favorites/preferences in terms of listing of movies, songs, web sites, etc.] (par. [0026]), said media being directly accessible by said device [each device is collecting data pertaining to user's direct interaction with the device] (par. [0026], [0035], [0036]), said media type allowing the first device to give to a user access to the content of said media having said media type [user's favorites/preferences allow a device that user interacts with to give to the user access to user's favorite movies, songs, web sites, etc.], to provide at least one list representing media that said first device giving the user access to the content [listing of movies, songs, web sites, etc.] (par. [0026]);

a step of transmitting, by each other device having carried out said searching step to at least the first device [exchanging the collected data between devices over wireless LAN or other wireless network] (par. [0026], [0034]), each list representing media found by said other device during the search step (par. [0035]-[0038]); and

a step of aggregating, at last one list of media listed in one transmitted list independently of the device where said media are located [creating a common user profile based on exchanged data] (par. [0005], Fig. 3).

As to claim 30, Baudino teaches that during the aggregation step, aggregated lists are organized by physical entity (par. [0030], Fig. 6).

As to claim 31, Baudino teaches that during the aggregation step, aggregated lists are organized by media type (par. [0035]-[0038]; Fig. 6).

As to claim 32, Baudino teaches that during the search step, media subject to a broadcast limitation or ban are not taken into account (par. [0046]-[0047]).

As to claim 33, Baudino teaches that during the aggregation step each aggregated list comprises, for each media, a pointer representing the localization of said media on the network (par. [0035]-[0036], Fig. 6).

As to claim 34, Baudino teaches that during the aggregation step the aggregated list comprises, for each medium, an interface handling said medium (par. [0035]-[0036], Fig. 6).

As to claim 35, Baudino teaches a step of selecting a media output device (par. [0048]).

As to claim 36, Baudino teaches a step of selecting, for at least one media output device, a media represented in an aggregated list (par. [0048]).

As to claim 37, Baudino teaches that step of selecting a media comprises a step of selection by a hand-held remote control (par. [0048] teaches interaction between two devices, wherein one of the devices is a remote control depicted in Fig. 1, par. [0026]).

As to claim 40, Baudino teaches a hand-held remote control [one of exemplifications of a home mobile device (25)] (par. [0026], Fig. 1). Baudino further teaches that a request is output for each device in the remote control's range to provide a response identifying it (par. [0040], Fig. 3).

As to claim 42, Baudino teaches that the device giving the quickest access to the selected medium [device in proximity] transmits said medium to the device selected to output said medium (par. [0033]).

As to claim 57, Baudino teaches a step of determining at least one environment parameter for the remote control (par. [0026]), and

a step of auto-configuring the provisioning of functions and/or media to the remote control's user (par. [0048]).

As to claim 58, Baudino teaches that during the step of determining at least one environment parameter for the remote control, the person using the remote control is ascertained (par. [0026], [0048], Fig. 1).

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As to claim 59, Baudino teaches that during the step of determining at least one environment parameter for the remote control, the equipment being remotely controlled is ascertained [device capability interchange] (par. [0040]).

As to claim 60, Baudino teaches that during the step of determining at least one environment parameter for the remote control, the media available are ascertained (par. [0026], [0048]).

As to claim 61, Baudino teaches that during the step of determining at least one environmental parameter for the remote control, the position in space of the equipment being remotely controlled is ascertained [proximity] (par. [0026], [0040], [0048]).

As to claim 62, Baudino teaches that during of the step of determining at least one environmental parameter for the remote control, the time is ascertained [once devices are in predetermined proximity] (par. [0026], [0040], [0048]).

As to claim 63, Baudino teaches that during the step of determining at least one environmental parameter for the remote control, the availability of functions for equipment utilizing a communications protocol with the remote control is ascertained [capabilities interchange] (par. [0026], [0040], [0048]).

As to claim 64, Baudino teaches that during the step of auto-configuring, the provisioning of functions or media to the remote control's user, the functions and/or media to which access is authorized and/or available are activated, according to each environment parameter determined during the step of determining at least one environmental parameter for the remote control [reading/writing only the data that is applicable to the device in question] (par. [0034]).

As to claim 66, Baudino teaches a step of providing, by the first device, to each of said other devices, data relating to each media type for which the first device giving the user access to the content of a media having this media type [capabilities interchange] (par. [0040]).

As to claim 67, Baudino teaches a step of determining, by the first device, each media type for which the first device giving the user access to the content of a media having this media type [collecting data over time by each device and using collected data in generating local profile of par. [0036]] (par. [0026], [0039]).

As to claim 68, Baudino teaches a step of associating to each media in at least one aggregated list of media an application reading the content of said media (par. [0048]).

As to claim 69, Baudino teaches a step of associating to each media in at least one aggregated list of media a user interface giving access to the content of said media (par. [0038], [0048]).

As to claim 70, Baudino teaches that during the step of aggregating, for a media having the same descriptive data as another media, each of said media is represented in at least one aggregated list [having a single copy of a full profile and having other devices having only a partial copy, wherein a common virtual profile shared between devices allows for each device to access full profile] (par. [0031]-[0032]).

As to claim 71, Baudino teaches that during the step of aggregating, for a media found by the first device having the same descriptive data as another media found by another device, only the media found by the first device is represented in at least one aggregated list [determining differences between local and remote profiles and exchanging only differences when creating a common virtual profile] (par. [0040]).

As to claim 72, Baudino teaches a step of selecting at least one directory of at least one device and, during the step of transmitting, only the media found in a selected directory are represented in a transmitted list representing media [limiting exchange to certain information such as profile information marked as "interchangeable"] (par. [0046]-[0047]).

As to claim 73, Baudino teaches that during the step of aggregating, only media that the first device can output are aggregated [creating partial profile at a device containing only the information applicable to that device] (par. [0032]).

As to claim 74, Baudino teaches that during the step of aggregating, only media that the first device can give a user access to the content are aggregated (par. [0032], [0046]-[0047]).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 38 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baudino et al. in view of Chin et al. (US 2003/0137605 A1).

As to claim 38, Baudino teaches all the elements except for optical signals and radio signals being output by said remote control during the step of selection.

Chin teaches a hand-held remote control that outputs optical and radio signals during operation (par. [0027], Fig. 3).

It would have been obvious to one of ordinary skill in the art to modify the process of Baudino by having the remote control (25) of Baudino output optical and radio signals during the step of selection via said remote control in order to allow remote

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control interact with other devices in proximity, a capability of a hand-held remote control that is notoriously old and well known in the art.

As to claim 41, Baudino teaches all the elements except for the hand-held remote control to utilize arrow keys and a confirmation key.

Chin teaches a hand-held remote control that utilizes arrow keys and a confirmation key (par. [0008], [0030], Fig. 3).

It would have been obvious to one of ordinary skill in the art to modify the process of Baudino by having the remote control (25) of Baudino utilize arrow keys and a confirmation key in order to interact with other devices in proximity, a capability of a hand-held remote control that is notoriously old and well known in the art.

9. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baudino et al. in view of O'Donnell et al. (US 2005/0097594 A1) and in further view of Case, JR. et al. (US 2006/0136173 A1).

As to claim 39, Baudino teaches all the elements except for having a remote control that displays three-dimensional images representing devices outputting at least one media type.

O'Donnell teaches a remote control having display, the display displaying images representing objects that are being controlled by the remote device (abstract, Figs. 1, 3, and 4).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of Baudino by having the remote control (as on the devices) having a display that displays images representing devices outputting at least one media type (devices in proximity that the remote control interacts with) in order to visually present information to the user regarding objects that the remote control is overseeing or interacting with.

Baudino in view of O'Donnell does not expressly teach that images are three-dimensional images.

Case teaches that displayed images are three-dimensional (par. [0121], Fig. 4).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of Baudino in view of O'Donnell by having images being three-dimensional in order to generally show details of objects that the remote control interacts with that otherwise would be difficult to visually describe.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLEG SURVILLO whose telephone number is (571)272-9691. The examiner can normally be reached on Mon-Thu 9:00am - 6:30pm; Fri 10:00am - 6:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B. Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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